IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CONTEMPT PETITION NO. 46 OF 2006

IN

NOTICE OF MOTION NO. 2841 OF 2003

IN

SUIT NO. 3415 OF 2002

Smt. Sushila Subhash Singh & Anr. .. Petitioners

Versus

Miss Laxmi Subhash Singh & Ors. ..Respondents

Mr. Ramesh Singh for the petitioners

Mr. M.D.Pokale for Respondents 1 & 2.

CORAM: S.K.SHAH,J.

DATE: 22nd September,2006.

P.C.

1. The contempt alleged is of the order dated 2nd December, 2005 whereby injunction in terms of prayer clause (c) was granted. The prayer clause (c) is to the effect that the Respondents were restrained from creating and/or disposing of and/or dealing with in any manner the estate of the deceased. The said order

was an ex-parte order. The allegation of the petitioner is that the Respondents Nos.1 and 2 have inducted some persons in place of the original owners.

2. Respondents Nos. 1 and 2 have filed an affidavit-in-reply stating that they have not inducted anyone in the Galas and the person who inducted is one Ashok Singh, who was not party to the Notice of Motion or party in the suit. The learned Counsel for the petitioners is unable to show by leading evidence that Respondent Nos.1 and 2 have inducted and have been collecting rent of the galas from the persons.

3. In view of this dispute, no action of contempt can be taken against the Respondents. The Contempt Petition is, therefore, dismissed.

(S.K.SHAH,J.)